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Mich. 389. The principal case is of peculiar interest in that it shows the limits within which newspaper writers are allowed to exercise their humor—though such limits are elastic in different courts.

**LOTTERY—'CHANCE'.**—**PEOPLE EX REL. ELLISON v. LAVIN**, 71 N. E. 753. (N. Y.).—Where a penal code defines a lottery as a scheme for the distribution of property by chance among persons who have paid a valuable consideration therefor, *held*, that an estimate on the amount of taxes to be paid on all cigars in a given month is necessarily so uncertain as to come within the term 'chance'.

In the absence of statutory or code provisions a lottery must contain the element of pure chance. *People v. Elliott*, 41 N. W. 916. But it is generally provided, or at least held that any scheme or game in which judgment, skill, practice or brains may be thwarted by chance, is a lottery. *State v. Nates*, 3 Hill L. 200; *Harris v. White*, 181 N. Y. 532. So that most of the cases go beyond the decision in the principal case, in that, while this decision merely requires that chance be the dominating element, they hold that schemes or games in which the result is determined more by skill than chance are nevertheless lotteries. *State v. Lovell*, 39 N. J. L. 458; *Swigart v. People*, 154 Ill. 284. In some cases stakes at horse-races are held to be lotteries. *Davis v. State*, 13 Lea 228. But the better opinion is to the contrary. *People ex rel. Lawrence v. Fallon*, 152 N. Y. 12. In the principal case, however, chance is easily the dominating element, all opportunity for judgment formed by knowledge or investigation being eliminated by information given in the advertisement.

**MASTER AND SERVANT—SAFE MATERIALS—INJURY TO SERVANT—LIABILITY OF MASTER.**—**TIERNEY v. WUNCK**, 88 N. Y. Supp. 612. *Held*, that the fact that a scaffolding had splits in it, and broke when stepped upon was sufficient evidence of the master's neglect to furnish safe materials. Woodward and Jenks, JJ., dissenting.

The case comes under a labor law statute but on this point the statute is practically declaratory of the common law. The decision appears to be contrary to the general rule that a master must use ordinary care, only, in furnishing a safe scaffolding. *Austin Mfg. Co. v. Johnson*, 89 Fed. 677; *McLean v. Standard Oil Co.*, 21 N. Y. Supp. 874. Reasonably safe materials are all that are required. There is no need of furnishing the very best. *Rooney v. Sewall, etc., Co.*, 161 Mass. 153; *Bajus v. Syracuse, etc., R. Co.*, 103 N. Y. 312. So, in the present case, as the dissenting opinion says, the plank was, to all appearances, sufficiently strong. And as the injured party himself had put the plank in place he was better able than anyone else to know its defects. *Charmon v. Sanford Co.*, 70 Conn. 573. It is, therefore, difficult to see why the master should have been held liable.

**NEGLIGENCE—LIABILITY OF OWNER OF PUBLIC RESORT—INDEPENDENT CONTRACTOR.**—**DEYO v. KINGSTON CONS. R. CO.**, 88 N. Y. Supp. 487.—While attending an exhibition of fire works at defendant's public amusement resort, to which an admission fee was charged, the plaintiff was injured by a rocket negligently discharged by an independent contractor employed by the defendant to conduct the exhibition. *Held*, that, as the defendant was not guilty of negligence, no liability attached. Houghton, J., dissenting.

It has been held that the proprietor of a public amusement resort is liable for any injury resulting from the improper or unsafe construction of a build-